

Order

Michigan Supreme Court
Lansing, Michigan

September 26, 2007

Clifford W. Taylor,
Chief Justice

133632

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 133632
COA: 275598
Berrien CC: 2006-400863-FC

MAURICE ALAN VADEN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the February 15, 2007 order of the Court of Appeals is considered. We DIRECT the Berrien County Prosecuting Attorney to answer the defendant's application for leave to appeal within 28 days after the date of this order. The prosecutor shall pay particular attention to the defendant's contention that his guilty plea was illusory because, contrary to the stipulation of trial counsel and the prosecutor, there are sentencing guidelines that apply to a conviction of conducting a criminal enterprise, MCL 750.159i(1), MCL 750.159j; MCL 777.16i. The prosecutor shall also address whether the defendant is entitled to resentencing in light of *People v Melton*, 271 Mich App 590, 595 (2006).

The application for leave to appeal remains pending.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 26, 2007

Corbin R. Davis

Clerk